

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**VERITEX COMMUNITY BANK,**

**Plaintiff,**

**v.**

**THE TRAVELERS, INC.,**

**Defendant.**

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**CIVIL ACTION NO. 3:15-cv-1713**

**JURY**

**DEFENDANT’S NOTICE OF REMOVAL**

Defendant The Travelers Companies, Inc.,<sup>1</sup> incorrectly named as “The Travelers, Inc.” (“Travelers” or “Defendant”), files its Notice of Removal of this action from the 95th Judicial District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, the Court for the District and Division encompassing the place where the lawsuit is currently pending. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Travelers shows this Court as follows:

1. On April 1, 2015, Plaintiff Veritex Community Bank (“Plaintiff”) commenced an action in the 95th Judicial District Court of Dallas County, Texas, styled *Veritex Community Bank v. The Travelers, Inc.*, where it was assigned Cause No. DC-15-03725.

2. Removal is timely because thirty (30) days have not elapsed since Travelers was served with a summons or citation. 28 U.S.C. §1446(b)(1); *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (holding that the 30-day deadline to remove begins on the date the summons or citation is served even if the complaint is received at a prior date).

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<sup>1</sup> The Travelers, Inc. is not an entity that exists. It is assumed Plaintiff intended to sue The Travelers Companies, Inc.

3. Travelers is, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal to the clerk of the 95th Judicial District Court of Dallas County, Texas, and will serve a copy of the Notice of Removal on Plaintiff.

4. In accordance with Local Rule 81.1, attached as Exhibit “A” is a copy of all state court materials. Travelers has also filed contemporaneously with this Notice a civil cover sheet, a supplemental civil cover sheet, and a separately signed certificate of interested persons and disclosure statement that complies with Local Rule 3.1(c) and Rule 7.1 of the Federal Rules of Civil Procedure.

**GROUND FOR REMOVAL: DIVERSITY**

5. This Court has original jurisdiction over this case under 28 U.S.C. § 1332 because this is a civil action between citizens of different States where the matter in controversy exceeds \$75,000.

**(a) The Amount in Controversy Exceeds the Federal Minimum Jurisdictional Requirements.**

6. Plaintiff seeks “monetary relief of \$100,000 but not more than \$500,000.” *See* Ex. A-2 at ¶ 2c. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs.

**(b) Complete Diversity between Plaintiff and Defendant Exists.**

7. Under the diversity statute, corporations “shall be deemed to be a citizen of every state and foreign state by which it has been incorporated and the state or foreign state where it has its principal place of business. . . .” 28 U.S.C. § 1332(c)(1).

8. Plaintiff is a Texas state bank with its principal place of business in Dallas, Texas. Accordingly, Plaintiff is a citizen of Texas.

9. Travelers is a corporation organized under the laws of the State of Minnesota with its principal place of business in the State of New York. Accordingly, Travelers is a citizen of Minnesota and New York.

10. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while Defendant is not, this Court has original jurisdiction over the present action pursuant to 28 U.S.C. § 1332. Removal is therefore proper.

WHEREFORE, Travelers prays that the above-described action now pending in the 95th Judicial District Court of Dallas County, Texas be removed to this Court.

Respectfully submitted,

/s/ Wm. Lance Lewis

WM. LANCE LEWIS

Texas Bar No. 12314560

MARCIE L. SCHOUT

Texas Bar No. 24027960

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been furnished to counsel of record as provided below, via CM/ECF, in accordance with the Federal Rules of Civil Procedure, this 18<sup>th</sup> day of May 2015:

D. Woodard Glenn  
Matthew B. Glenn  
D. WOODARD GLENN, P.C.  
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/s/ Marcie L. Schout  
Marcie L. Schout